

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

QUASHON BLAKE,	:	Civil No. 1:18-cv-1537
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
WYOU, et al.,	:	
	:	
Defendant.	:	Judge Sylvia H. Rambo

**MEMORANDUM**

Before the court is a complaint filed *pro se* by Quashon Blake against radio and television stations within the Middle District of Pennsylvania. (Doc. 1.) Blake does not state whether this action is being brought pursuant to 28 U.S.C. § 1331 or 28 U.S.C. § 1332. Upon review of the complaint, the action will be dismissed for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(h)(3).

**I. Discussion**

Blake is a prisoner at SCI-Houtzdale. He alleges that the various defendants have been defaming him through their broadcasts since June 15, 2016. On February 12, 2018, Blake brought a similar case against one of the defendants in the instant action, WNEP. That action (Civ. No. 1:18-cv-365) was dismissed for lack of federal jurisdiction (*id.* at Docs. 8 & 9). The instant action suffers from the same deficiencies as the prior action – failure to state a federal claim.

Since the plaintiff and the defendants appear to be citizens of Pennsylvania, the court assumes that Plaintiff is claiming jurisdiction pursuant to 28 U.S.C. § 1331, federal question. Unless a statutory basis for jurisdiction exists, persons do not have a right to proceed in federal court rather than state court. *McFaddin Express v. Adley Corp.*, 240 F. Supp. 791 (D.C. Conn. 1965); *see also Onyiuke v. NJ State Supreme Court*, 435 F. Supp. 2d 394 (D.C. NJ. 2006).

As noted above, the complaint asserts claims of libel and defamation of character. The Supreme Court has held that a defamation action does not raise a federal question under 28 U.S.C. § 1331. *Sprague v. Bulletin Co.*, 527 F. Supp. 1016 (E.D. Pa. 1981); *see also Truong v. American Bible Society*, 367 F. Supp. 2d 525 (S.D.N.Y. 2005).

## **II. Conclusion**

The complaint will be dismissed with prejudice for failure to state a cause of action. An appropriate order will issue.

s/Sylvia H. Rambo  
SYLVIA H. RAMBO  
United States District Judge

Dated: August 6, 2018